

ORDER 450.1 ENVIRONMENTAL PROTECTION PROGRAM WORKSHOP

AIR QUALITY:
GENERAL CONFORMITY ISSUES

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ENVIRONMENTAL INTERACTIONS

- Identify site activities, products and services related to General Conformity requirements and how they interact with the ambient air environment.
- Activities, Products and Services
 - Proposed “DOE Actions” (which are very broadly defined in the rule)
 - DOE funding and grants to the private sector for projects that have air emissions

ENVIRONMENTAL INTERACTIONS

(contd.)

- Environmental aspects of conformity
 - Air Quality

ENVIRONMENTAL IMPACTS

- Identify impacts (and their significance) caused by emissions of criteria air pollutants for the planned DOE action in nonattainment and maintenance areas.
 - The criteria air pollutants for which there are National Ambient Air Quality Standards (NAAQS) are ozone, nitrogen dioxide, sulfur dioxide, particulate matter, carbon monoxide and lead.
 - Nonattainment areas are areas not meeting one or more NAAQS.
 - Maintenance areas are former nonattainment areas now in attainment, with an approved maintenance plan to stay in attainment.

ENVIRONMENTAL IMPACTS

(contd.)

- Evaluate environmental impacts by carefully and comprehensively estimating criteria pollutant emissions from the proposed DOE action.
- If estimated emissions are greater than either of two conformity *de minimis* emission levels, the environmental impact of the proposed DOE action is significant, and a more detailed “conformity determination” is needed.

ENVIRONMENTAL IMPACTS

(contd.)

- Examples of potential impacts include:
 - Deterioration of air quality
 - Possible greater health hazards to the public due to the DOE action
 - Noncompliance with conformity regulations
 - Halting of the DOE project
 - Costly project delays
 - Concerns of local residents

APPLICABLE REGULATORY REQUIREMENTS

- The EPA conformity regulations are found at 40 CFR Part 93 Subpart B.
- Many States and a number of local air regulatory agencies have conformity rules that parallel EPA's rule.
- If conformity applies to your DOE site/project, is it on the master list of applicable requirements?

OTHER REQUIREMENTS

- DOE O 450.1 addresses conformity at 4.b.(1)(a):
 - “As part of integrating EMSs into site ISMS, DOE elements must . . . consider . . . as applicable: conformity of DOE proposed actions with State Implementation Plans to attain and maintain national ambient air quality standards.”

ENVIRONMENTAL OBJECTIVE AND TARGETS

- An example of an Objective might be:
 - Ensure compliance with all conformity regulatory requirements.
- Examples of Targets might be:
 - Take steps to ensure that all organizations at your DOE site responsible for proposed DOE actions in nonattainment and maintenance areas are aware of conformity requirements.
 - Obtain contractual services with an air quality consulting firm to provide as-needed support on conformity studies.

CHECKING AND CORRECTIVE ACTIONS

- Review NEPA documents as a means to check whether conformity analyses are being conducted.
- If deficiencies are found, evaluate the root causes of the problem and revise conformity implementation procedures, if necessary.

EH CONFORMITY GUIDANCE

- Principal EH guidance is “Clean Air Act General Conformity Requirements and the National Environmental Policy Act Process,” April 2000 (available at <http://tis.eh.doe.gov/nepa/tools/guidance/caaguidance.pdf>).
- Office of Environmental Policy and Guidance (EH-41) plans to issue an information brief soon, “Compliance with the General Conformity Regulations” (to be available at <http://tis.eh.doe.gov/oepa/guidance/caa/conformbrf.pdf>).

EH CONFORMITY GUIDANCE (contd.)

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